

Workers' Compensation Advisory Board
July 20, 2010 Open Meeting Minutes
Illinois Workers Compensation Commission, Chicago
1:00 p.m.

Present at the meeting:

Chairman Mitch Weisz
Mr. Aaron Anderson, Painters Dist. Council #30
Mr. David Buckman, CORE Construction Group
Mr. Michael Carrigan, Illinois AFL-CIO
Mr. David Menchetti, Cullen Haskins, Nicholson & Menchetti
Mr. Kim Presbrey, Presbrey and Associates
Mr. Gerald Roper, Chicagoland Chamber of Commerce
Mr. David Vite, Illinois Retail Merchants Association

Attending the meeting via conference call:

Mr. Frank Cavarretta, United Steel Workers
Mr. Mark Flannery, Caterpillar, Inc.
Mr. Michael Holewinski, Ace Industries
Ms. Kim Maisch, National Federation of Independent Business

Also Present

Ms. Kate Melford, Confidential Assistant to the Chairman
Ms. Carolyn Parks, Executive Director
Mr. Robert Ruiz, Insurance Compliance Manager
Mr. Darrell Widen, Assistant General Counsel
Mr. Tom Kelliher, Horwitz, Horwitz & Associates
Mr. Marc Perper, Horwitz, Horwitz & Associates
Mr. Jay Shattuck, Shattuck & Associates Consulting (via conference call) w/ Kim Maisch

Chairman Weisz called the meeting to order at 1:08 p.m.

Upon motion duly made, seconded and unanimously carried, the minutes of the meeting held on April 15, 2010, were approved.

Chairman Weisz provided a brief Commission update including information on the coverage of Commissioner DeMunno's cases in his absence. Arbitrator Kurt Carlson will be temporarily assigned as Acting Commissioner until late July, upon which time Arbitrator JoAnn Fratianni will take over the duties until Commissioner DeMunno's return.

Chairman Weisz also provided an update on the status of the emergency rules filed in regards to reimbursement of implants. He indicated the emergency rules have been enacted and JCAR has set an initial status meeting for August 10th so the public comment period is now open.

In response to audit findings for the absence of computer policies, Chairman Weisz announced the completion and pending implementation of two new policies which include an acceptable internet usage policy and a portable computer policy.

Chairman Weisz also announced that free wifi internet access will be available to the public and attorneys on the Commission's floor at the Chicago office within a few weeks.

Chairman Weisz then noted the Commission will be discussing the possibility of a rule change with the Medical Fee Advisory Board in regards to applying the medical fee schedule to out of state providers. Currently, the medical fee schedule allows for the greater of 76% of the charges or the fee provided by the out of state fee schedule. Chairman Weisz stated that the Commission believes that by changing the word greater to lesser, Illinois will become more competitive without affecting access to care,

The Board then discussed the necessity of the Galesburg, Rock Island and Quincy review sites and what would happen should they be eliminated. The Board noted that Quincy was on the western edge of the state and would require a long drive to Springfield. Furthermore, it noted that while 8A and 19H cases would require the petitioner to appear, other cases could be handled by telephone if the parties agreed and it made sense to do everything possible by conference call in order to save time and money.

Chairman Weisz then inquired about a process for making the submission of medical records at arbitration more efficient and whether or not attorneys could agree as to what documents were relevant to the case and that only those should be submitted. He stated that the duplicate submission of records costs the State both time and money in copying and labor costs. The Board noted that a certified record statutorily means the entire record and some arbitrators require attorneys to pinpoint CPT codes in the medical records so they are often all necessary. Furthermore, it inquired if transcripts or other documents could be reduced to electronic format. Chairman Weisz noted that while going paperless is a goal for the Commission, in reality the IT infrastructure at the Commission needs to be updated and it will likely be a couple years before that could happen.

Next Chairman Weisz opened a discussion on utilization review. He indicated that while utilization review is currently in the medical fee schedule, it is not being used much and advised that guidelines had been suggested to the Commission. The Board indicated that there are published URAC standards already in place to govern utilization review. Subsequent discussion explored the use in Illinois and how it might be more effective. Utilization reviews rarely use an Illinois doctor.

Chairman Weisz then discussed the \$35 dollar fee currently required to file transcripts with the Circuit Court. In reality, it costs the Commission more to manage and process these fees than it collects. The Commission will explore the abolishment of the fee altogether.

The Board then discussed the expense incurred by process servers serving subpoenas. Chairman Weisz stated that feedback says a process server should not be required and discussed the possibility of a standard medical records charge being set.

The Board then held a discussion on the procedure required by 4D petitions and the Commission's role in providing compliance notices. Mr. Robert Ruiz discussed the process the Insurance Compliance investigators go through to determine whether or not an employer has coverage and in respect to inquiry about the Commission's efforts to encourage compliance indicated the department recently attended the City Treasurer's Small Business Expo and began reaching out to local Chambers of Commerce in an effort to educate small businesses on compliance.

Chairman Weisz then provided an update on possible legislation and other matters. He indicated that the Commission believes additional legislation on RAF is necessary as it is difficult to administer as it is and would benefit from an application process and a statute of limitations. The Board stated that it would be open to fine-tuning and would like to see draft language to determine if there's opposition.

With no further business and motion made, the meeting was adjourned at 3:05 p.m.